

MAUCK & BAKER, LLC

RICHARD C. BAKER
WHITMAN H. BRISKY
JOHN W. MAUCK

ONE NORTH LASALLE STREET, SUITE 600
CHICAGO, ILLINOIS 60602

SOO YEON LEE
OF COUNSEL

SORIN A. LEAHU
TERRY S. LU

WWW.MAUCKBAKER.COM
TEL: 312.726.1243 FAX: 866.619.8661

Writer's Direct Line:
(312) 853-8709
jmauck@mauckbaker.com

January 21, 2019

Via Messenger

Mark Kelly
Commissioner
Department of Cultural Affairs and Special Events
78 E. Washington Street, 4th Floor
Chicago, IL 60602

Re: First Amendment Rights at Millenium Park

Dear Mr. Kelly:

We write to you in your capacity as the Commissioner of the Department of Cultural Affairs and Special Events which, we understand, oversees Chicago's Millenium Park. More specifically, we write to inform you of recent incidences involving First Amendment activities and security staff at Millenium Park and to inquire your Department's position regarding the same.

On December 7, 2018, a group of students from Wheaton College gathered at Millenium Park for the purpose of open air evangelism and handing out free religious literature. The incident began when the students gathered at the park and started handing out tracts of religious literature. A Millenium Park security guard, whose name and badge number is currently unknown, approached the students and directed them to stop handing out the free literature. The students complied with this order after which one of them began preaching to those walking by. Once again, the security guard intervened and directed the student to stop preaching. The security guard conceded that the students were situated on a public street but informed them that he was just doing his job. The students then sought to speak with the security guard's supervisor. Once the supervisor arrived, the supervisor told the students that an ordinance prohibiting solicitation prohibited their activities. The supervisor informed the students that because they were soliciting the public to prescribe to their beliefs, they were violating the ordinance.

Enclosed as **Exhibit A** is the location of the December 7th incident. A similar occurrence transpired on December 14, 2018 at the same location. That evening, two

Wheaton students met at Millenium Park to engage in evangelism. As before, they were passing out free religious literature and conducted open air preaching. Once again, the security guard and supervisor asked them to stop their activities and leave the park.

The students were never given a copy of the alleged ordinance or told where it is located. Our firm has researched the City's ordinances and located ordinance 4-244-141 "Speech peddling." This ordinance purports to restrict "speech peddling" defined in the ordinance to mean "where a licensed peddler sells or exchanges for value anything containing words, printing or pictures that predominantly communicates a non-commercial message." We note that the students' distribution of free literature would not fall within the ordinance's definition of peddling which requires the sale and exchange of value. Nor could we find any other ordinance that would prohibit the students' activities, perhaps your Department can provide us with any other ordinances if they exist.

Please know that these students wish to continue exercising their First Amendment rights going forward. We are requesting, in writing, an acknowledgment that the students may exercise these rights without further harassment from Millennium Park security. If you disagree with our position, please inform us on what grounds you do so. If, for example, it is that evangelism constitutes "solicitation" then it would be wrong because (1) nothing "of value" is being requested from those passing by and (2) it would be an improper prior restraint on free speech.

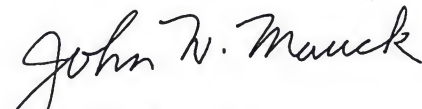
Also, we have been made aware of a similar but not directly related matter that took place at Millennium Park during the Christmas season. We are working on obtaining an exact date and location but do know that a church group was prohibited by security guards from singing Christmas carols at Millennium Park. Kindly let us know what your Department's policy is on carolers and on what basis you believe they may be prohibited from caroling at Millennium Park.

Finally, we are aware that illegal suppression of free speech has occurred on a number of occasions at Millennium Park and have represented those whose speech has been barred — resulting in court approved settlements. Is it possible that new hire security personnel are not getting training in this important aspect of preservation of constitutional liberties? The young people we represent request a letter from you or the supervisor of security that they can have with them should such interferences recur.

The letter would state that open air preaching and distribution of free literature is not barred on public sidewalks in Millennium Park. Kindly respond by January 28, 2019 as our clients wish with immediacy to resume their open air evangelism and free literature distribution.

Very truly yours,

MAUCK & BAKER, LLC


John W. Mauck

JWM:sgt

Enclosures:

cc: Wheaton Students
Alliance Defending Freedom
American Civil Liberties Union

